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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

SEP 20 2002

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Joseph L. Salvucci, Jr.
637 Childs Avenue
Drexel Hill, PA 19026

**Re: Required Submission of Information
Lower Darby Creek Area Superfund Site
Clearview Landfill, Folcroft Landfill, and Folcroft Landfill Annex**

Dear Mr. Salvucci:

The U.S. Environmental Protection Agency ("EPA") is seeking information concerning the release, or threat of release, of hazardous substances, pollutants or contaminants into the environment at the Clearview Landfill ("Clearview"), Folcroft Landfill ("Folcroft"), and Folcroft Landfill Annex ("Folcroft Annex") portions of the Lower Darby Creek Area Superfund site, located in Delaware and Philadelphia Counties, Pennsylvania (hereinafter the "Site").

The Site is located in an industrialized portion of southeastern Delaware County and southwestern Philadelphia County, Pennsylvania, along an approximately two-mile stretch of Darby Creek, between Cobbs Creek to the north and the tidal marsh of John Heinz National Wildlife Refuge at Tinicum to the south (see Enclosure A).

Based on the enclosed Delaware County Sunday Times article, EPA has reason to believe that you may have information concerning the operations of the Clearview Landfill. Clearview is located on the east side of Darby Creek; Folcroft and Folcroft Annex are located on the west side of the creek.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. Section 9604(e), EPA has the authority to require you, to furnish all information and documents in your possession, custody or control, or in the possession, custody or control of any of your employees or agents, which concern, refer, or relate to hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. Section 9601(14), pollutants and/or contaminants as defined by Section 101(33) of CERCLA, 42 U.S.C. Section 9601(33), which were transported to, stored, treated, or disposed of at the above-referenced Site.

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Section 104 of CERCLA authorizes EPA to pursue penalties for failure to comply with that section or for failure to respond adequately to required submissions of information. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. Section 1001. The information you provide may be used by EPA in administrative, civil, or criminal proceedings.

You must respond in writing to this required submission of information within **fifteen (15) calendar days** of your receipt of this letter. For a corporation, the response must be signed by an appropriately authorized corporate official. For all other entities, the response must be signed by an authorized official of that entity.

If, for any reason, you do not provide all information responsive to this letter, then in your answer to EPA you must: (1) describe specifically what was not provided, and (2) provide to EPA an appropriate reason why the information was not provided.

All documents and information should be sent to:

Ms. Carlyn Winter Prisk (3HS11)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501 et seq.

If you have any questions concerning this matter, please contact Civil Investigator Carlyn Winter Prisk at (215) 814-2625, or have your attorney contact Brian Nishitani of EPA's Office of Regional Counsel at (215) 814-2675. To discuss the Site in general or the nature of the cleanup, contact Kristine Matzko, the Remedial Project Manager, at (215) 814-5719.

Sincerely,

Joan Armstrong

Joan Armstrong, Chief
PRP Investigation and
Site Information Section

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Enclosures: Enclosure A: Lower Darby Creek Area Site Map
 Enclosure B: Business Confidentiality Claims/Disclosure of Your Response to
 EPA Contractors and Grantees
 Enclosure C: List of Contractors that May Review Your Response
 Enclosure D: Definitions
 Enclosure E: Instructions
 Enclosure F: Questions
 Enclosure G: Delaware County Sunday Times article

cc: Mr. Brian Nishitani (3RC44) EPA Region III, Office of Regional Counsel
 Ms. Kristine Matzko (3HS21) EPA Region III, Remedial Project Manager
 Mr. Craig Olewiler Pennsylvania Department of Environmental Protection
 Ms. April Flipse Pennsylvania Department of Environmental Protection

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Location: 050° 53' 45" E, 14° 05' 30" N
Caption: Lower Darby Creek Area, 2000

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Enclosure B

Business Confidentiality Claims

You are entitled to assert a claim of business confidentiality covering any part or all of the submitted information, in the manner described in 40 C.F.R. Part 2, Subpart B. Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. If a claim of business confidentiality is not asserted when the information is submitted to EPA, EPA may make this information available to the public without further notice to you. You must clearly mark such claimed information by either stamping or using any other such form of notice that such information is a trade secret, proprietary, or company confidential. To best ensure that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.

Disclosure of Your Response to EPA Contractors and Grantees

EPA may contract with one or more independent contracting firms (See "Enclosure C") to review the documentation, including documents which you claim are confidential business information ("CBI"), which you submit in response to this information request, depending on available agency resources. Additionally, EPA may provide access to this information to (an) individual(s) working under (a) cooperative agreements(s) under the Senior Environmental Employee Program ("SEE Enrollees"). The SEE Program was authorized by the Environmental Programs Assistance Act of 1984 (Pub. L. 98-313). The contractor(s) and/or SEE Enrollee(s) will be filing, organizing, analyzing and/or summarizing the information for EPA personnel. The contractors have signed a contract with EPA that contains a confidentiality clause with respect to CBI that they handle for EPA. The SEE Enrollee(s) is working under a cooperative agreement that contains a provision concerning the treatment and safeguarding of CBI. The individual SEE Enrollee has also signed a confidentiality agreement regarding treatment of CBI. Pursuant to Section 104(e)(7) of CERCLA, 42 U.S.C. Section 9604(e)(7), and EPA's regulations at 40 C.F.R. Section 2.310(h), EPA may share such CBI with EPA's authorized representatives which include contractors and cooperators under the Environmental Programs Assistance Act of 1984. (See 58 Fed.Reg. 7187 (1993)). If you have any objection to disclosure by EPA of documents which you claim are CBI to any or all of the entities listed in Enclosure C, you must notify EPA in writing at the time you submit such documents.

List of Contractors that May Review Your Response

- Daston Corporation -
Contract #68-S3-01-01
Subcontractor to Daston Corporation is:
Dynamac Corporation
 - Tetra Tech EM, Inc. -
Contract #68-S3-0002
Subcontractor to Tetra Tech EM, Inc. is
Eagle Instruments, Inc.
 - Ecology and Environment, Inc. -
Contract #68-S3-001
Subcontractor to Ecology and
Environment, Inc. is:
S & S Engineers, Inc.
 - Resource Applications, Inc. -
Contract #68-S3-003
Subcontracts to Resource Applications,
Inc. are:
C.C. Johnson & Malhotra, Inc.
Scientific & Environment Associates,
Inc.
Environmental Quality Management,
Inc.
 - IT Corporation - Contract #68-S#-00-06
Subcontracts to IT Corporation are:
Weavertown Environmental Group
Environmental Restoration Company
 - Earth Tech, Inc. - Contract #68-S3-00-07
Subcontractors to Earth Tech, Inc. are:
Industrial Marine Services, Inc.
Cline Oil
Hertz Equipment Rental
 - Guardian Environmental Services, Inc.
Contract #68-S3-99-04
 - ECG Industries, Inc. -
Contract #68-S3-99-05
Subcontractor to ECG Industries, Inc. is:
Earth Tech, Inc.
 - Industrial Marine Services, Inc. -
Contract #68-S3-99-06
Subcontractors to Industrial Marine
Services, Inc. are:
Earth Tech, Inc.
Engineering and Environment, Inc.
 - Tetra Tech NUS, Inc. -
Contract #68-S6-3003
Subcontractors to Tetra Tech NUS, Inc.
are:
Gannett Flemming, Inc.
Dynamac Corporation
C.C. Johnson & Malhotra, P.C.
 - CDM-Federal Programs Corporation -
Contract #68-S7-3003
Subcontractors to CDM-Federal
Programs Corporation are:
Tetra Tech EM, Inc.
Robert Kimball & Associates
PMA & Associates
Horne Engineering
Pacific Environmental Services
 - Black and Veatch Waste Science and
Technology Corporation/Tetra Tech, Inc.
Contract #68-S7-3002
 - Universe Technologies -
Contract #68-S3-99-02
 - Tech Law, Inc.- Contract #68-W-00-108
Subcontractor to Tech Law, Inc. is:
Gannett Flemming, Inc.
- List of Cooperative Agreements**
- National Association of Hispanic Elderly
- #CQ-822511
 - AARP Foundation (Senior
Environmental Employment)
- #824021, #823952

Enclosure D

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Definitions

- The term "arrangement" shall mean every separate contract or other agreement or understanding between two or more persons, whether written or oral.
- The term "documents" shall mean writings, photographs, sound or magnetic records, drawings, or other similar things by which information has been preserved and also includes information preserved in a form which must be translated or deciphered by machine in order to be intelligible to humans. Examples of documents include, but are not limited to, electronic mail and other forms of computer communication, drafts, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, summaries, pamphlets, books, invoices, checks, bills of lading, weight receipts, toll receipts, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, inter-office and intra-office communications, notations of any conversations (including, without limitation, telephone calls, meetings, and other communications such as e-mail), bulletins, printed matter, computer printouts, invoices, worksheets, graphic or oral records or representations of any kind (including, without limitation, charts, graphs, microfiche, microfilm, videotapes, recordings and motion pictures), electronic, mechanical, magnetic or electric records or representations of any kind (including, without limitation, tapes, cassettes, discs, recordings and computer memories), minutes of meetings, memoranda, notes, calendar or daily entries, agendas, notices, announcements, maps, manuals, brochures, reports of scientific study or investigation, schedules, price lists, data, sample analyses, and laboratory reports.
- The term "hazardous substance" means (a) any substance designated pursuant to section 1321(b)(2)(A) of Title 33 [of the U.S. Code], (b) any element, compound, mixture, solution, or substance designated pursuant to section 9602 of [CERCLA], (c) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (42 U.S.C. Section 6921) (but not including any waste the regulation of which under the Solid Waste Disposal Act (42 U.S.C. Section 6901 et seq.) has been suspended by Act of Congress), (d) any toxic pollutant listed under section 1317(a) of Title 33, (e) any hazardous air pollutant listed under section 112 of the Clean Air Act (42 U.S.C. Section 7412), and (f) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 2606 of Title 15 [of the U.S. Code]. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).
- The term "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release

into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations in such organisms or their offspring, except that the term "pollutant or contaminant" shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under CERCLA, and shall not include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas).

- The term "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant), but excludes (a) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons, (b) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine, (c) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954 (42 U.S.C. Section 2011 et seq.), if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under section 170 of such Act (42 U.S.C. Section 2210), or, for the purposes of section 9604 of [CERCLA] or any other response action, any release of source, byproduct, or special nuclear material from any processing site designated under sections 7912(a)(1) or 7942(a) of [CERCLA], and (d) the normal application of fertilizer.
- The term "waste" or "wastes" shall mean and include any discarded materials including, but not limited to, trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, pollutants or contaminants, and discarded or spilled chemicals, whether solid, liquid, or sludge.
- The term "you" when referring to an incorporated entity shall mean and include the incorporated entity and its agents and representatives, including, but not limited to, persons directly authorized to transact business on the entity's behalf such as officers, directors, or partners with which the entity is affiliated, employees, accountants, engineers, or other persons who conduct business on the entity's behalf, as well as affiliated entities, including, but not limited to, partnerships, limited liability companies, divisions, subsidiaries, and holding companies.



Enclosure E

Instructions

1. You are entitled to assert a claim of business confidentiality covering any part or all of the information you submit. If you desire to assert a claim of business confidentiality, please see Enclosure B, *Business Confidentiality Claims/Disclosure of Your Response to EPA Contractors and Grantees*. You must clearly mark such information by either stamping or using any other form of notice that such information is a trade secret, proprietary, or company confidential. To ensure to the greatest extent that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.
2. Please provide a separate, detailed narrative response to each question, and to each subpart of each question, set forth in this Information Request. If you fail to provide a detailed response, EPA may deem your response to be insufficient and thus a failure to comply with this Information Request, which may subject you to penalties.
3. Precede each response with the number of the question or subpart of the question to which it corresponds. For each document or group of documents produced in response to this Information Request, indicate the number of the specific question or subpart of the question to which the document(s) responds.
4. Should you find at any time after submission of your response that any portion of the submitted information is false, misrepresents the truth or is incomplete, you must notify EPA of this fact and provide EPA with a corrected written response.
5. Any terms that are used in this Information Request and/or its Enclosures that are defined in CERCLA shall have the meaning set forth in CERCLA. Definitions of several such terms are set forth in Enclosure D, *Definitions*, for your convenience. Also, several additional terms not defined in CERCLA are defined in Enclosure D. Those terms shall have the meaning set forth in Enclosure D any time such terms are used in this Information Request and/or its Enclosures.

Enclosure F

QUESTIONS

Information in EPA's possession (see Enclosure G) indicates that you obtained control of stock in the Clearview Land Development Company inherited by Margaret Salvucci from Samuel R. Dickey following his death.

1. Please describe in detail the nature of your current relationship to the Clearview Land Development Company. What was your relationship to this company in the past?
2. Do you currently own or control stock or hold any ownership interest in the Clearview Land Development Company? If so, provide the following:
 - a. The percentage of ownership and number of shares do you own or control;
 - b. List the other shareholders/owners of the company and the percentage of ownership or number of shares owned by each person or entity;
 - c. List the current officers, directors, and managers of the Clearview Land Development Company
3. If you do not currently own or control stock or hold any ownership interest in the Clearview Land Development Company, answer the following:
 - a. On what date did you divest yourself of this stock and ownership interest;
 - b. To whom was it divested;
 - c. By what means was it divested (eg. By sale, gift, creation of a trust etc);
 - d. What compensation was received for its sale or divestiture;
 - e. For what reason(s) was it divested?
 - f. Who were the officers of the company at the time you held stock or an ownership interest in the company?
4. What role do you now play or what role did you play at any time in the past, in the operation or management of the Clearview Land Development Company?
5. What role did you play in the operation or management of the Clearview Landfill on the property owned by the Clearview Land Development Company?
6. Do you have any knowledge about the disposal of waste at the Clearview Landfill between the mid-1950's and 1976?
7. Provide the names, titles, areas of responsibility, addresses, and telephone numbers of all persons who, between 1958 and 1976, may have:
 - a. Disposed of or treated materials at Clearview or other areas of the Site;
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- b. Arranged for the disposal or treatment of materials at Clearview or other areas of the Site; and/or
 - c. Arranged for the transportation of materials to Clearview or other areas of the Site (either directly or through transshipment points) for disposal or treatment.
8. If you have any information about other parties who may have information which may assist the EPA in its investigation of the Site, including Clearview, Folcroft and Folcroft Annex, or who may be responsible for the generation of, transportation to, or release of contamination at the Site, please provide such information. The information you provide in response to this request should include the party's name, address, telephone number, type of business, and the reasons why you believe the party may have contributed to the contamination at the Site or may have information regarding the Site.

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PRINCETON, PA
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Powerful GOP leader

By BILL ALNOR

Sunday Times Staff Writer

DARBY TOWNSHIP — A powerful county Republican leader and a relative control up to 35 percent of the stock of the Clearview Land Development Company, the Sunday Times has learned.

The Clearview Land Development Company holds most of the deeds to the site of the Clearview Landfill on the Philadelphia-Darby Township borders.

John McNichol, the Upper Darby GOP boss and director of the county's Data Processing Department, along with Upper Darby and county political figure, Joseph Salvucci, have been assigned the sole power to "retain and invest" or sell 3,500 shares of stock in the Clearview Company, according to documents obtained by the Sunday Times.

They gained control when they were named executors of the stock willed to their wives by a former powerful county Republican official.

Recently the federal Environmental Protection Agency has determined that toxic wastes including cancer-causing polychlorinated biphenyls (PCBs), chloradane and polycyclic aromatic hydrocarbons are leaching from the 100-foot high landfill into the Darby Creek.

The landfill was ordered closed in 1973, but several companies still operate at the site, include a barrel recycling firm and a trash transfer station.

The EPA in July took more surface samples at the site, but refused to conduct deep borings because of a fear that they might touch off an explosion since the agency was uncertain just what is buried at the dump.

The court documents state that the wives of the Republican leaders, who are also sisters, Joan Agnes McNichol and Margaret Anne Salvucci, both of Upper Darby, and their children are now the owners of the 3,500 shares of the Clearview Company — about 35 percent of the landfill.

The stock came to the families through the estate of Samuel R. Dickey, former Upper Darby GOP boss and county War Board member. Dickey, who died on Aug. 17, 1980, willed all his property, stocks and bonds, and real estate to the families and assigned McNichol and Salvucci both as trustees and executors of his will.

Mrs. McNichol and Mrs. Salvucci were "adopted daughters" to Dickey, according to the will. Dickey lived with the McNichols in the 500 block of Kenwood Road prior to

What's been uncovered so far The Clearview landfill

Since January 20, 1984, Sunday Times investigation of the Clearview landfill has determined that:

- Cancer rates in the communities surrounding the landfill have soared higher than national and state averages during the past decade.

- A former worker's widow filed a workman's compensation suit against the landfill company charging that illegal dumping of carcinogenic toxic wastes killed her husband. Her husband, Edward Shaughnessy died of cancer in 1982.

(During the ongoing hearings on in for dumping toxic wastes and other former landfill worker testified before grand jury charges in Pennsylvania at a hearing that he helped bury toxic wastes at the landfill.)

- That despite federal, local, and state laws, Clearview was used by the Grave Resources Management Company as one of its centers for transferring toxic wastes until the company was shut down in 1982. According to documents obtained by the Sunday Times, thousands of gallons of toxic wastes were dumped at the landfill and there are no records if they were ever transferred off the site.

- The owner of Grave Resources, serving a prison term in West Virginia for his death.

- McNichol is regarded by many as one of the most powerful GOP figures in the county. He was co-chairman of President Reagan's Pennsylvania presidential campaign committee in 1980.

- Salvucci, 43, former president of the Upper Darby board of commissioners, is vice chairman of the Delaware County Regional Water Quality Control Authority. Salvucci is also chairman of the committee to review the home rule government of Upper Darby.

Contacted at the courthouse, McNichol



acknowledged that he knew about the stock in the company but that he couldn't sell it because it was "worthless." McNichol also stated that neither his family nor the Salvuccis had ever made any money off of the stock, and as far as he knew Dickey drew very little financial gain from the stock in the late 1950s and none during the 1980s.

"We have never in my association ever had any communications between the estate and Clearview," McNichol said. "It's long since stopped being a landfill. I said to my lawyer that if they ever sold that ground

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Earlier this summer federal Environmental Protection Agency officials took soil samples from material around the Clearview landfill located on the Darby Township-Philadelphia border. It was the second time the EPA tested the site. When earlier tests results were released showing carcinogens in the Darby Creek in very small quantities, residents complained the tests had not been extensive enough.

does this stock participate and he said "No."

"In other words if they ever sold that land or put a Dairy Queen on it it doesn't affect the stock." (Most of the land at the landfill site is owned by the Clearview Land Development Company, documents reveal.)

McNichol added that an attorney advised Dickey to list the stock as assets in his will even though it was worthless. McNichol said a nominal value was placed on the stock but in reality it wasn't worth anything.

The value of the stock was placed at \$1,000 according to the documents. The documents also declare the Clearview stock to be worth more than any other stock Dickey owned, including his one share of Girard Bank stock.

Salvucci, contacted at his office at a local company, agreed with McNichol about the value of the stock. He said he never had contact with anyone affiliated with Clearview and that the "estate never received any income from it." Salvucci said he believed Dickey's interest in the Clearview Company was about 35 percent and that he thought Edward I. Heller, former president of the landfill company, held the majority interest in the company.

"I was hoping that it did have some worth, that there is some money in it so the girls could do better but it wasn't the case," said Salvucci.

Contacted at the landfill, Richard Heller who has identified himself as the president of the Clearview Company, referred questions concerning the stock to his father, Edward. The elder Heller contacted by tele-

Stockholders not liable

The stockholders of a toxic waste dump cannot be held liable for the cleanup or actions of the operators of a toxic dump of landfill, an EPA official said last week.

After checking EPA records last week, Janet Luffy, EPA public affairs spokeswoman said that in a past test case a federal court ruled that liability for a toxic waste cleanup cannot be traced to individual stockholders of the company responsible for the toxic wastes.

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phone at his home in North Miami, Florida, in turn, referred questions concerning the landfill to his attorney, Robert Jackson of Media.

Jackson said he didn't recall ever looking at the stockbook of the Clearview Company since "the company is not making money" so he wasn't sure who the other stockholders were. But Jackson said no other political leaders have an interest in the company.

"I certainly would have known if anyone in terms of any political position had an interest in the landfill," Jackson said.


"I can almost assure you that there's no political leader that I am aware of that has an interest. If some judge or political figure owned this, I think my false teeth would fall out - I'm sure I would have received a phone call eight to ten years ago," Jackson said.



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| Restricted Delivery (Endorsement Required) | Drexel, Hill, PA 19026 | |
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